

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: SUFFOLK UNIVERSITY COVID
REFUND LITIGATION

Master File No.: 1:20-cv-10985-WGY

THIS DOCUMENT RELATES TO:
ALL ACTIONS

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs Julia Durbeck and Anna Francesca Foti ("Plaintiffs") move, under Fed. R. Civ. P. 23(a) and (b)(3), for certification of the following plaintiff class:

All students enrolled in an in-person/on-campus based program or classes at Suffolk University ("Suffolk"), and not any separate Suffolk online programs only, before March 11, 2020, who paid Suffolk any of the following costs for the Spring 2020 semester:
(a) Tuition, and/or (b) Fees (the "Class").

This Motion also seeks the appointment of Plaintiffs Anna Francesca Foti and Julia Durbeck as representatives of the Class and seeks the appointment of the Anastapoulo Law Firm and Pastor Law Office LLP as class counsel. In support of this Motion, Plaintiffs would respectfully show the following:

1. The proposed Class meets the requirements of Fed. R. Civ. P. 23(a)(1), because the Class is so numerous that joinder of all Class members is impracticable.
2. The proposed Class meets the requirements of Fed. R. Civ. P. 23(a)(2), because there are questions of law and fact common to the Class.
3. The proposed Class meets the requirements of Fed. R. Civ. P. 23(a)(3), because the claims of Plaintiffs are typical of the claims of the absent Class members.

4. The proposed Class meets the requirements of Fed. R. Civ. P. 23(a)(4), because Plaintiffs will fairly and adequately protect the interests of the Class.
5. The proposed Class meets the requirements of Fed. R. Civ. P. 23(b)(3), because the questions of law and fact that are common to the Class predominate over any questions affecting only individual Class members, and because a class action is superior to other available methods for fairly and efficiently adjudicating this matter.
6. The proposed class is sufficiently ascertainable.

This Motion is supported by the accompanying Memorandum of Law, the declarations of Plaintiffs' counsel, the declarations of Plaintiffs Julia Durbeck and Anna Francesca Foti, exhibits to the declarations, and all pleadings and papers filed and submitted in this action.

WHEREFORE, Plaintiffs respectfully request that the proposed Class be certified, that Plaintiffs Julia Durbeck and Anna Francesca Foti be appointed as class representatives and that Plaintiffs' counsel be appointed as class counsel.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

Undersigned counsel certify that they have conferred with counsel for Defendant in a good faith effort to resolve or narrow the issues raised by this Motion, with the following result: Defendant has indicated that it will oppose the relief sought by this Motion.

Dated: March 21, 2022

Respectfully submitted,

/s/ David Pastor

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 21, 2022.

/s/ David Pastor
David Pastor